



MINUTES

HUNTINGTON BEACH PLANNING COMMISSION

TUESDAY, AUGUST 8, 2006

HUNTINGTON BEACH CIVIC CENTER

2000 MAIN STREET, HUNTINGTON BEACH, CALIFORNIA 92648

6:00 P.M. - ROOM B-8 (CITY HALL LOWER LEVEL)

CALL PLANNING COMMISSION MEETING TO ORDER

ROLL CALL: *P* *A* *P* *A* *P* *P* *A*
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer
Commissioner Livengood arrived at 6:05 p.m.
Chair Dingwall excused absence

AGENDA APPROVAL

A MOTION WAS MADE BY RAY, SECONDED BY HORGAN TO APPROVE THE PLANNING COMMISSION STUDY SESSION AGENDA OF AUGUST 8, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Scandura, Ray, Horgan, Dwyer
NOES: None
ABSENT: Livengood, Dingwall
ABSTAIN: None

MOTION APPROVED

A. PROJECT REVIEW (FUTURE AGENDA ITEMS) - NONE

B. STUDY SESSION ITEMS - NONE

C. AGENDA REVIEW (UPDATE ON ALL AGENDA ITEMS):

Herb Fauland, Principal Planner, advised of two late communications received for Item B-2a. He also requested that Item D-1 be moved to the beginning of the agenda.

D. PLANNING COMMISSION COMMITTEE REPORTS:

Commissioner Ray stated he would like to move forward with the Major Projects Review Process committee meetings.

Commissioner Horgan advised she would like to set up another Green Building subcommittee meeting.

E. PUBLIC COMMENTS (Regarding Study Session Portion of Meeting) – NONE

F. PLANNING COMMISSION COMMENTS:

Commissioner Burnett directed the Commissioners to read a late communication regarding Green Building.

Commissioner Scandura advised the Commissioners to use discretion when speaking with members of the press.

6:30 P.M. – RECESS FOR DINNER

7:00 P.M. – COUNCIL CHAMBERS

CALL PLANNING COMMISSION MEETING TO ORDER

PLEDGE OF ALLEGIANCE – Led by Commissioner Ray

ROLL CALL: *P* *P* *P* *A* *P* *P* *P*
Burnett, Livengood, Scandura, Dingwall, Ray, Horgan, Dwyer

AGENDA APPROVAL

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY HORGAN, TO MOVE ITEM D-1 IN ADVANCE OF ITEM B-1 AND TO APPROVE THE PLANNING COMMISSION AGENDA OF AUGUST 8, 2006, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Ray, Horgan, Dwyer
NOES: None
ABSENT: Dingwall
ABSTAIN: None

MOTION APPROVED

THE MINUTES WILL REFLECT ITEMS IN THEIR ORIGINAL ORDER

A. ORAL COMMUNICATIONS:

Mike Adams, Consultant representing the Applicant for Item D-2, reviewed the steps in the process of passing a General Plan Conformance and asked the Commissioners to take note of the number of residents who are in favor of the project when making their decision tonight.

Martha Morrow, Heritage Huntington Shores Home Owners Association, stated that gating the community would be a positive step towards the security of the neighborhood and would not be of any cost to the City. She added that the gating does conform to the General Plan and 90% of the residents are in favor of the project.

Joann Chivers, President, Edwards Central Park Home Owners Association, spoke in favor of the project and advised that 89% of her 38 members are in favor of the gating.

B. PUBLIC HEARING ITEMS

PROCEDURE: Commission Disclosure Statement(s), Staff Report Presentation, Commission Questions, Public Hearing, Discussion/Action.

B-1. ANNUAL REVIEW AND MONITORING REPORT – DOWNTOWN PARKING MASTER PLAN (Continued from July 25, 2006, with public hearing to be open): **Applicant:** City of Huntington Beach Planning Department **Request:** Annual review of the Downtown Parking Master Plan, documenting building activity and land use changes between June 1, 2004 and June 1, 2005 **Location:** Downtown Specific Plan area (generally bounded by Pacific Coast Highway, Sixth Street, Acacia Avenue and Second Street) **Project Planner:** **Ron Santos**

STAFF RECOMMENDATION: Motion to: “Accept as adequate and complete the annual review and monitoring report of the Downtown Parking Master Plan and forward to the City Council for their review.”

Ron Santos, Associate Planner, gave an overview of the 7th Annual Review that included issues such as shared parking spaces, parking utilization and development activity.

The Commission made the following disclosures:

- Commissioner Burnett recused herself as she has a real property interest in the area.
- Commissioner Livengood visited the site.
- Commissioner Ray visited the site.
- Commissioner Horgan did not have a disclosure statement.
- Commissioner Scandura did not have a disclosure statement.
- Commissioner Dwyer visited the site.

Commissioner Ray stated that although there is no change to the review from last year, he asked if the anticipated occupancy of the Strand project has been considered in this review. Santos advised that the projected occupancy has been taken into consideration.

Ray questioned mixed-use floor areas and how they impact the number of parking spaces allowed due to their varied use of space.

Herb Fauland, Principal Planner, stated that the thresholds are set and allow for shifting between categories so long as adequate parking is provided and does not exceed the 715,000 square foot cap. He further explained that through analysis the cap will not be exceeded and there will be sufficient parking.

Ray expressed concern over the 15,000 square feet of unused space in the plan. Fauland advised that the unallocated space would be addressed only if a proposed development occurs.

Commissioner Horgan asked if the new parking structure slated for the Strand project would be considered part of the supply of parking and when the structure would be completed. Santos advised that the structure will be part of the supply of parking and construction should be completed in 2008.

THE PUBLIC HEARING WAS OPENED

WITH NO ONE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY HORGAN TO ACCEPT AS ADEQUATE AND COMPLETE THE ANNUAL REVIEW AND MONITORING REPORT OF THE DOWNTOWN PARKING MASTER PLAN AND FORWARD TO THE CITY COUNCIL FOR THEIR REVIEW, BY THE FOLLOWING VOTE:

AYES: Livengood, Scandura, Ray, Horgan, Dwyer
NOES: None
ABSENT: Dingwall
ABSTAIN: Burnett

MOTION APPROVED

Commissioner Scandura requested that the report be introduced in a timelier manner next year.

- B-2a. ENVIRONMENTAL IMPACT REPORT NO. 05-01 (NEWLAND STREET RESIDENTIAL):** **Applicant:** WL Direct Huntington Beach, LLC **Request:** **EIR:** To analyze the potential environmental impacts associated with the implementation of the proposed project. **Location:** 21471 Newland Street (northwest corner of the Newland Street/Hamilton Avenue intersection). **Project Planner:** Jane James

STAFF RECOMMENDATION: Motion to: "Certify EIR No. 05-01 because it adequately analyzes the potential environmental impacts associated with the project, identifies project alternatives and mitigation measures to lessen the project's impacts consistent with General Plan policies and has been prepared in accordance with the California Environmental Quality Act (CEQA)."

- B-2b. GENERAL PLAN AMENDMENT NO. 04-04/ ZONING MAP AMENDMENT NO. 04-01/ TENTATIVE TRACT MAP NO. 16733/ CONDITIONAL USE PERMIT NO. 04-32 (NEWLAND STREET RESIDENTIAL):** **Applicant:** WL Direct Huntington Beach, LLC **Request:** **GPA:** To amend the General Plan Land Use designation on 23.1 acres from the current I-F2-d (Industrial – 0.5 Floor Area Ratio – Design Overlay) to the proposed RM (Medium Density Residential) designation. **ZMA:** To amend the Zoning designation from the current IL-O-FP2 (Limited Industrial – Oil District Overlay – Flood Plain) to the proposed RM-FP2 (Medium Density Residential – Flood Plain). **TTM:** To subdivide the property into 21 numbered lots for multi-family residential development and nine lettered lots for private streets, sidewalks, open space, and parkway landscaping. **CUP:** To develop and construct a 204 unit multi-family residential project that a) Abuts an arterial street; b) Includes a dwelling unit more than 150 feet from a public street; c) Includes buildings exceeding 25 feet in height; d) Includes retaining walls up to four feet, six inches in height in lieu of a maximum height of two feet on pads raised approximately three to five feet above existing grade to comply with FEMA floodplain requirements; and e) Includes an eight foot high wall within 11 to 13 feet of the front property line in-lieu of the minimum 15 foot setback required. The proposed project includes dedication and improvement of a 2.0 acre public park. The existing recreational vehicle and boat storage yard on 4.5 acres of the property would be removed. **Location:** 21471 Newland Street (northwest corner of the Newland Street/Hamilton Avenue intersection). **Project Planner:** Jane James

STAFF RECOMMENDATION: Motion to:

- A. "Approve General Plan Amendment No. 04-04 by approving the draft City Council Resolution and forward to the City Council for adoption."
- B. "Approve Zoning Map Amendment No. 04-01 with findings for approval and forward the draft Ordinance to the City Council for adoption."
- C. "Approve Tentative Tract Map No. 16733 and Conditional Use Permit No. 04-32 with findings and suggested conditions of approval."
- D. "Approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations."

The Commission made the following disclosures:

- Commissioner Burnett spoke with Commissioner Horgan, Staff and the applicant.
- Commissioner Livengood visited the site and met with the applicant.
- Commissioner Ray visited the site, spoke with Steve Bone, Dick Harlow, Celena Chen, and Steve Schwartz.
- Commissioner Horgan visited the site, spoke with Commissioner Burnett, and the applicant.
- Commissioner Scandura visited the site; spoke with Steve Bone, Dick Harlow, Steve Schwartz and Commissioner Livengood.
- Commissioner Dwyer visited the site and spoke with Steve Bone.

Jane James, Senior Planner, gave an overview of both items (B-2a and B-2b) utilizing a Powerpoint presentation and explained why the Environmental Impact Report must be acted on prior to the General Plan Amendment and other entitlements. She stated that the project covers 23.1 acres and is currently zoned as industrial. She explained that the applicant is requesting the zoning be changed to medium density residential. She reviewed maps of current General Plan and Zoning Map designations in the area in order to show compatibility of the project.

Livengood asked if improvements were needed on the Newland Pump Station would the applicant be expected to pay for them.

Steve Bogart, Civil Engineer Associate, Public Works Dept., stated that the applicant is responsible for mitigating storm water run-off and downstream improvements including the Newland Station if required.

Livengood questioned the smaller size of the garage areas. James explained that some of the garages are outfitted with additional storage space, therefore, those garages do not need to be increased in size.

Scandura asked about the park being used for storm water overflow and if there was another option. James suggested the homeowners association could, in the future, contract an engineer to review alternatives.

THE PUBLIC HEARING WAS OPENED

Kurt Nelson, applicant, reviewed the application process and advised he is confident that everyone will be proud of this project upon completion. He stated he appreciated the efforts of staff, the adjacent homeowner's association and also the neighbors.

Bruce Holler, resident, voiced his approval of the project.

Dianne Gillespie, Surfside Homeowner's Association, stated that the homeowners in the Surfside HOA are very excited about the new development and recommend approval.

Chris Sullivan, resident, recommended approval of the project and feels that the architecture will be attractive to the area. He also appreciates the protection measures for the wetlands.

Frank Rosen, resident, urged approval of the project and stated he was glad the affordable housing program was being utilized in this project.

Rob Harris, resident, voiced his support of the project and welcomes the project's participation in the affordable housing program.

WITH NO ONE ELSE PRESENT TO SPEAK, THE PUBLIC HEARING WAS CLOSED.

Discussion ensued between the Commissioners and staff regarding the traffic circulation and access to the proposed 204 homes.

Ray asked the applicant if environmentally friendly building materials were being used during the construction of the project and if a condition could be added to the approval providing for the use of such materials when feasible. The applicant agreed to the condition.

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY RAY TO APPROVE ENVIRONMENTAL IMPACT REPORT NO. 05-01 (NEWLAND STREET RESIDENTIAL); ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES:	Burnett, Livengood, Scandura, Ray, Horgan, Dwyer
NOES:	None
ABSENT:	Dingwall
ABSTAIN:	None

MOTION PASSED

A MOTION WAS MADE BY LIVENGOOD, SECONDED BY RAY TO APPROVE GENERAL PLAN AMENDMENT NO. 04-04/ZONING MAP AMENDMENT NO. 04-01 WITH FINDINGS AND FORWARD TO THE CITY COUNCIL FOR ADOPTION; APPROVE TENTATIVE TRACT MAP NO. 16733/CONDITIONAL USE PERMIT NO. 04-32 WITH FINDINGS AND CONDITIONS OF APPROVAL; APPROVE CEQA STATEMENT OF FACT; ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES:	Burnett, Livengood, Scandura, Ray, Horgan, Dwyer
NOES:	None
ABSENT:	Dingwall
ABSTAIN:	None

MOTION PASSED

FINDINGS AND CONDITIONS OF APPROVAL

**GENERAL PLAN AMENDMENT NO. 04-04/
ZONING MAP AMENDMENT NO. 04-01/
TENTATIVE TRACT MAP NO. 16733/
CONDITIONAL USE PERMIT NO. 04-32**

FINDINGS FOR APPROVAL – ZONING MAP AMENDMENT NO. 04-01:

1. Zoning Map Amendment No. 04-01 amends the existing zoning designation by changing the IL-O-FP2 (Limited Industrial-Oil Overlay-Floodplain) zoning designation within the project area to RM (Medium Density Residential-Floodplain). The adoption of this amendment will establish the Medium Density Residential zoning and development standards and will be consistent with the objectives, policies, general land uses and programs specified in the City's General Plan as well as the proposed General Plan Amendment No. 04-04.

The proposed residential zoning is consistent with the goals and policies of the Land Use Element of the General Plan by allowing for the creation of a development compatible with, and sensitive to the existing land uses in the project area and adjoining properties.

2. In the case of general land use provisions, the Zoning Map Amendment is consistent with the uses authorized in, and the standards prescribed for, the zoning district for which they are proposed. The proposed land uses identified in the Medium Density Residential land use designation is consistent with the General Plan as well as the proposed General Plan Amendment No. 04-04.

3. A community need is demonstrated for the change proposed. The proposed medium density residential zoning provides the standards necessary to develop a high quality of residential land uses complementing and enhancing surrounding land uses. The existing Industrial Land Use and Zoning designations are not compatible with the existing surrounding land uses and are no longer appropriate for the site. The residential land use designation allows for more affordable housing units to be constructed and the medium density project, proposed at 9.6 units/acre with high quality attached housing provides for a variety of housing types and units within the City, as referenced in the Land Use Element of the City's General Plan.

4. The adoption of the Medium Density Residential zoning is consistent with good zoning practice and was prepared utilizing a comprehensive approach, which included involving the public in numerous public meetings and reviewing the proposed development in terms of existing development standards, design and architectural guidelines, and landscape guidelines. The resultant project provides high quality design, successful affordable housing, pleasing architecture, and a diverse development of land uses within the City of Huntington Beach.

FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 16733:

1. Tentative Tract Map No. 16733 for the subdivision of 23.1 acres into 21 numbered lots for multi-family residential development and nine lettered lots for private streets, sidewalks, open space, and parkway landscaping for condominium purposes is consistent with the proposed General Plan Land Use Element designation of Medium Density Residential on the subject property. The proposed residential subdivision for the development of 204 townhome

units is permitted with a conditional use permit in the Medium Density Residential (RM) zoning areas of the City.

2. The site is physically suitable for the type and density of development. The project density of 9.6 dwelling units per acre is compatible with the density of the surrounding developments. Furthermore the proposed development complies with the development standards regarding open space, building height, site coverage, setbacks, parking, and landscaping of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO).

3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Short-term adverse impacts resulting from air quality impacts during construction of the project have been documented as significant and unavoidable even with mitigation measures to reduce and minimize the impacts. The project will comply with all mitigation measures identified in Environmental Impact Report No. 05-01.

4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The subdivision will provide all necessary easements and will not affect any existing easements.

FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 04-32:

1. Conditional Use Permit No. 04-32 for the construction of 204 two and three-story townhomes abutting an arterial street; including a unit more than 150 feet from a public street; including buildings exceeding 25 feet in height; including retaining walls up to four feet, six inches in height in lieu of a maximum height of two feet on pads raised approximately three to five feet above the existing grade to comply with FEMA regulations; and including an eight foot high wall within 11 to 13 feet of the front property line in-lieu of the minimum 15 foot setback required will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed site layout and design of the project properly adapts the proposed structures to streets driveways, and other adjacent structures and uses in a harmonious manner. The proposed development is designed in a manner consistent with development recently constructed or previously existing in the immediate area. The project will provide affordable housing to a segment of the population, which has limited available housing options at rates, which are affordable at the medium-income and low-income levels. An improved public park will also be provided for public use.

2. The conditional use permit will be compatible with surrounding uses because the proposed residential use is consistent and complementary to existing uses in the vicinity. The project design is similar to the residential projects located to the north and east of the subject site and is in keeping with the surrounding single-family and multi-family neighborhood. Furthermore, compliance with the mitigation measures of Environmental Impact Report No. 05-01 and code provisions will ensure that the project will be compatible with other area developments.

3. The proposed 204-unit townhome subdivision will comply with the provisions of the base district and other applicable provisions in the Huntington Beach Zoning and Subdivision Ordinance and any specific condition required for the proposed use in the district in which it

would be located. The proposed residential units meet all code provisions, including setbacks, density, open space, and parking.

4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the proposed Land Use Element designation of Residential Medium Density on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

LU 9.1.3: Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below:

- a. Design building elevations treatment to convey the visual character of individual units rather than a singular building mass and volume.
- b. Include separate and well-defined entries to convey the visual character of individual identity for each residential unit, which may be accessed from exterior facades, interior courtyards, and /or common areas.
- c. Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.

The proposed project will consist of attached townhome units that have distinct entries, courtyards, varied rooflines, abundant common areas, paseos between buildings, and viewing nodes for enjoying the adjacent wetlands. The use of different colors and materials will break up the mass of the buildings and will delineate the entry to the units. The landscape palette establishes a community theme within the project and presents a hierarchy of trees and plantings as the street scene progresses from the main street to the garage access driveways. The entire project will be landscaped to provide continuity and transition between the common open areas, paseos, viewing areas, and private open spaces.

LU 9 Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.

LU 9.5 Provide for the development of housing for senior citizens, the physically and mentally challenged, and very low, low and moderate-income families.

The project provides a mixture of affordable unit types consisting of 18 two-bedroom units for median-income level households and three two-bedroom units for low-income level households. The proposed affordable units will provide opportunities for the diverse economic needs of existing and future residents of Huntington Beach.

B. Housing Element

HE 3.1: Facilitate the development of housing for low and moderate-income households, which are compatible with and complement adjacent uses and are located in close proximity to public and commercial services.

HE 3.1.1: Encourage the provision and continued availability of a range of housing types throughout the community, with variety in the number of rooms and level of amenities.

HE 4.1: Mitigate any potential governmental constraints to housing production and affordability.

The project will provide a total of 204 additional units with private and common open space, landscaped paseos, viewing opportunities to the adjacent wetlands, barbeque facilities, and pedestrian access to the public park. The type of units will include 183 market-rate units and 21 affordable units. The development is located in close proximity to the public beach located just south of the project at Pacific Coast Highway and Newland Street. Additionally, the project is situated near existing commercial services located at Beach Boulevard and Atlanta Avenue and Magnolia Street and Atlanta Avenue. The proposed General Plan amendment and zone change facilitate and allow for the proposed residential subdivision and construction to commence.

C. Urban Design Element

Policies UD 1.1.2: Coordinate streetscape and landscape design in all residential neighborhoods to strengthen their identities.

The applicant's request includes provisions to allow an eight-foot high masonry wall located within 11 to 13 feet of the front property line along a portion of the Newland Street frontage in-lieu of the minimum 15-foot setback required. The eight foot high wall is necessary to mitigate potential noise impacts to the residential units from traffic noise along Newland Street. Although the wall does not meet the minimum setback, the street scene is designed in an aesthetically pleasing manner with an undulating wall, pilasters, and comprehensive landscaping. The wall design, which includes two-foot offsets every 50 feet along with pilasters at the transitions, softens the overall look and height of the proposed wall. The remaining portion of the Newland Street frontage, north of the project entry and adjacent to the public park, presents an open view of the new parkland with landscaped berms, open grassy field, and a low anodized aluminum fence.

CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 16733:

1. The Tentative Tract Map No. 16733 for subdivision of 23.1 acres into 21 numbered lots for multi-family residential development and nine lettered lots for private streets, sidewalks, open space, and parkway landscaping received and dated October 25, 2005 shall be the approved layout.
2. Prior to submittal of the Final Tract Map to the Public Works Department for processing and approval, the following shall be required:
 - a. At least 90 days before City Council action on the Final Tract Map, CC&Rs shall be submitted to the Planning Department for review and approval by the Public Works Department and the City Attorney. The CC&Rs shall reflect the common driveway access easements, and maintenance of all walls and common landscape areas by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the Final Tract Map.
 - b. An Affordable Housing Plan shall be submitted for review and approval as stipulated in Conditional Use Permit No. 04-32 conditions of approval.
3. The following conditions shall be completed prior to recordation of the Final Tract Map:

- a. Comply with Section 254.08, Parkland Dedication, of the Huntington Beach Zoning and Subdivision Ordinance.
 - i. A detailed park improvement plan shall be prepared to include typical neighborhood park amenities including but not limited to tot lot play equipment, open turf play area, picnic tables and benches, and half-court basketball. All amenities must conform to current Consumer Product Safety Commission Guidelines and Americans with Disabilities Act.
 - ii. The plan shall identify play equipment, architectural features, plant material, ground cover, sidewalks, lighting, etc. and shall be reviewed and approved by the Community Services Commission, Community Services Director, and Public Works Director prior to installation.
4. No construction or employee vehicle access shall be permitted on Lomond Drive except during construction of the roadway improvements on Lomond Drive.

CONDITIONS OF APPROVAL - CONDITIONAL USE PERMIT NO. 04-32:

1. The site plan and all associated technical exhibits (wall and fence plan, parking plan, sections, turning radius plan, etc.), floor plans, and elevations received and dated October 25, 2005 shall be the conceptually approved design with the following modifications.
 - a. All two-car garages in Plans 1 and 2 shall be revised to provide minimum interior wall-to-wall dimensions of 20 ft. by 20 ft or additional storage shelving within the garages shall be provided.
 - b. The approved site plan and section drawings shall be modified to reflect removal, replacement, and improvements to the Surfside Townhome Association wall at the northwest corner of the property as indicated in a site plan and elevations received and dated June 1, 2005.
2. Prior to submittal for building permits, the following shall be completed:
 - a. A corrosion report must be prepared by a qualified person who will determine the suitability of buried pipe and recommend a method to protect buried pipe when corrosive soil is encountered. Reproduce the recommendations of the report on the plans. (Bldg)
 - b. A copy of the approved "Grading Plan" by Planning and Public Works must be attached to the approved sets of construction plans prior to issuance of building permits. (Bldg)
 - c. Each lot for every residential unit must be provided with a clear yard that provides both egress and rescue door or window from the sleeping room(s) to the building front yard. (Bldg)
 - d. Submit a copy of the revised site plan, floor plans, elevations, and color schemes pursuant to Condition No. 1 for review and approval and inclusion in the entitlement file to the Planning Department.
 - e. Zoning entitlement conditions of approval and applicable code requirements shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.

3. Prior to issuance of building permits, the following shall be completed:
 - a. The draft Affordable Housing Program received and dated July 24, 2006 identifying 21 on-site units for-sale as affordable (based upon minimum 10% of the total 204 units proposed for the site) shall be the approved program. An Affordable Housing Agreement in accordance with the Affordable Housing Program shall be submitted to the Planning Department for review and approval by the City Attorney, and accepted by the City Council. Said agreement shall be recorded with the Orange County Recorder's Office prior to issuance of the first building permit for the tract. The Agreement shall comply with HBZSO Section 230.26 and include:
 - i. A detailed description of the type, size and location of the 21 two-bedroom affordable housing for-sale units on-site. The for-sale units shall be dispersed throughout the project.
 - ii. There shall be three units affordable to low-income households (income level less than 80% of Orange County median) and 18 units affordable to median-income households (income level 80% to 100% of Orange County median). The Orange County median income is adjusted for appropriate household size.
 - iii. Continuous affordability provisions for a period of 60 years. Any required for-sale affordable units shall be owner-occupied (not rented or leased).

The affordable units shall be constructed prior to or concurrent with the primary project. Final approval (occupancy) of the first market rate residential unit(s) shall be contingent upon the completion and public availability, or evidence of the applicant's reasonable progress towards attainment of completion of the affordable units.

- b. A public art element, approved by the Design Review Board, Director of Planning, and Director of Huntington Beach Art Center, shall be designated on the plans. Public Art shall be innovative, original, and of artistic excellence; appropriate to the design of the project; and reflective of the community's cultural identity (ecology, history, or society).
4. The structure(s) cannot be occupied, the final building permit(s) cannot be approved, and utilities cannot be released for the first residential unit until the following has been completed:
 - a. The public art element is installed.
 - b. Compliance with all conditions of approval specified herein are accomplished and verified by the Planning Department.

5. The project shall comply with all mitigation measures adopted in conjunction with Environmental Impact Report No. 05-01.

6. The "Green" building elements as specified in written communication dated August 7, 2006 from WL-Direct Huntington Beach, LLC and repeated below shall be incorporated in the design, construction, and maintenance of the project:

- a. Foundation, Frame, and Roofing
 - i. Use roofing materials with 40 year warranty or greater
- b. Plumbing
 - i. Install low flow showerheads (<2.5 gpm)
 - ii. Install water efficient kitchen and bath faucets (<2.5 gpm)
- c. Lighting and Appliances
 - i. Showcase in model and offer or install Energy Star Washing Machines
 - ii. Showcase in model and offer or install Energy Star Refrigerator
 - iii. Showcase in model and offer or install Energy Star Air Conditioner
- d. HVAC
 - i. Install high efficiency HVAC filters (MERV 6 or higher)
 - ii. Vent range hood to outside
- e. Energy Performance
 - i. Exceed Title 24 by at least 5%
 - ii. Achieve Energy Star Home Certification
- f. Indoor Air Quality
 - i. Use Low VOC interior paints (<50 g/l flat; < or = 150 g/l non-flat)
- g. Education and Awareness
 - i. Inclusion of "Green" building information into Homeowner Manuals

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

Ray commended the applicant on their cooperation and design efforts regarding the project.

Burnett voiced her appreciation to the applicant regarding their use of green building materials when possible.

C. CONSENT CALENDAR:

C-1. PLANNING COMMISSION MINUTES DATED APRIL 25, 2006

RECOMMENDED ACTION: Motion to: "Approve the April 25, 2006, Planning Commission Minutes as submitted."

A MOTION WAS MADE BY RAY, SECONDED BY SCANDURA, TO APPROVE THE APRIL 25, 2006, PLANNING COMMISSION MINUTES AS MODIFIED, BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Ray, Dwyer
NOES: None
ABSENT: Dingwall
ABSTAIN: Horgan

MOTION APPROVED

D. NON-PUBLIC HEARING ITEMS:

D-1. GENERAL PLAN CONFORMANCE NO. 06-03 (CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEARS 2006/07) **Applicant:** City of Huntington Beach **Request:** Evaluate Capital Improvement Program for Fiscal Year 2006/07 for compliance with the General Plan. **Location:** City-wide **Project Planner:** Rosemary Medel

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1609, approving General Plan Conformance No. 06-03."

Rosemary Medel, Associate Planner, reviewed the staff report and the goals, policies and objectives of the General Plan as they pertain to the City's Capital Improvements Program.

Horgan asked if energy efficient materials are going to be used in the proposed improvements.

David Webb, City Engineer, stated that the City does try to purchase energy saving materials whenever possible provided they fit the existing building. He explained that many older buildings are difficult to fit with new energy saving products.

Ray requested a modification reflecting more specificity to the projects outlined in attachment #1 of the staff report.

Horgan requested language in the approval to reflect the use of more energy efficient materials.

Leonie Mulvihill, City Attorney, stated that the energy efficiency language was more suited to a minute action at a later date which would be separate from the Capital Improvement Plan.

A MOTION WAS MADE BY LIVENGGOOD, SECONDED BY BURNETT, TO ADOPT RESOLUTION NO. 1609, APPROVING GENERAL PLAN CONFORMANCE NO. 06-03 WITH MODIFICATIONS, ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Ray, Horgan, Dwyer
NOES: None
ABSENT: Dingwall
ABSTAIN: None

MOTION APPROVED

A MINUTE ACTION MOTION WAS MADE BY HORGAN, SECONDED BY DWYER, THAT ALL EFFORTS BE MADE TO USE ENERGY STAR OR RELATED ENERGY EFFICIENT EQUIPMENT IN THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2006/07, ACTION WAS TAKEN BY THE FOLLOWING VOTE:

AYES: Burnett, Livengood, Scandura, Ray, Horgan, Dwyer
NOES: None
ABSENT: Dingwall
ABSTAIN: None

MOTION APPROVED

CONDITION OF APPROVAL
GENERAL PLAN CONFORMANCE NO. 06-03

1. City staff will endeavor to replace existing HVAC and cooling equipment on facilities as proposed in the 06/07 Fiscal Year Budget with "Energy Star" or other equally high efficiency replacement models subject to compatibility and cost-effectiveness of available replacement equipment.

D-2. GENERAL PLAN CONFORMANCE NO. 06-01 (PUBLIC STREET VACATIONS - ELLIS/GOLDENWEST QUARTERSECTION: SADDLEBACK LANE, QUARTERHORSE LANE, FAIRCREST DR, AND PORTIONS OF ROCKINGHORSE LANE, AND CHURCHILL DR.: **Applicant:** Michael C. Adams **Request:** To determine whether the proposed public street vacations of Saddleback Lane, Quarterhorse Lane, Faircrest Drive, and portions of Rockinghorse Lane and Churchill Drive conform to the goals and policies of the General Plan. **Location:** Ellis Goldenwest quarter section (Bounded by Ellis Avenue, Goldenwest Street, Garfield Avenue, and Edwards Street) **Project Planner:** Rami Talleh

STAFF RECOMMENDATION: Motion to: "Adopt Resolution No. 1608 approving General Plan Conformance No. 06-01 with findings."

Rami Talleh, Associate Planner, gave a presentation of the proposed project and the intent of the proposed street vacation. He further explained that if approved by the City Council, the streets would be vacated and transferred to the Homeowner's Association.

The Commission made the following disclosures:

- Commissioner Burnett visited the site numerous times, spoke with the applicant, staff, and homeowners.
- Commissioner Livengood visited the site, met with the Mike Adams, spoke with homeowners and staff.
- Commissioner Ray visited the site and received emails regarding project.
- Commissioner Horgan stated she is familiar with the area.
- Commissioner Scandura visited the site, spoke with Dr. Craig Towers and staff, received emails regarding project.
- Commissioner Dwyer visited the site and spoke with the applicant.

Burnett questioned whether the gating would affect the school adversely. Talleh advised that the school does not support the request due to potential financial obligations in maintaining the future private street. Talleh also stated that if the City Council approved the vacation, an access agreement would have to be made by the school district and the homeowners' association granting access to the bus loading area.

Ray asked for confirmation of land ownership. Talleh stated that the City of Huntington Beach currently has a public street easement over the land and the underlying fee owner would either be the HOA or adjacent homeowner.

Discussion ensued between the Commissioners and staff regarding prior street vacations and the application process.

Livengood voiced concern regarding the Findings of Approval and suggested that Goal No.2 of the Circulation Element be addressed in the suggested Findings.

Ray voiced his disapproval of the project and stated that he was unable to support the project.

Horgan advised that she agreed with Commissioner Ray.

Discussion ensued between the Commissioners regarding the approval of the project.

**A MOTION WAS MADE BY LIVENGOOD, SECONDED BY DWYER TO ADOPT
RESOLUTION NO. 1608 APPROVING GENERAL PLAN CONFORMANCE NO. 06-01
WITH REVISED FINDINGS, ACTION WAS TAKEN BY THE FOLLOWING VOTE:**

AYES:	Burnett, Livengood, Scandura, Dwyer
NOES:	Ray, Horgan
ABSENT:	Dingwall
ABSTAIN:	None

MOTION APPROVED

FINDINGS OF APPROVAL
GENERAL PLAN CONFORMANCE NO. 06-01

FINDING FOR APPROVAL – GENERAL PLAN CONFORMANCE NO. 06-01:

1. The vacation of the subject public streets conform with the following goals and policies of the Land Use and Circulation Elements of the General Plan:

CE Goal 2 *“Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.”*

The proposed vacation of public streets within the quartersection will not adversely impact the City’s transportation system. Vehicular access to properties within the quartersection will still be provided over a private network of streets. Adjacent Arterial streets; Goldenwest Street, Garfield Avenue, Edwards Street, and Ellis Avenue will remain public streets and operate at existing levels of service.

CE Policy 6.1.6 *“Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments, schools, and public facilities.”*

Public access to existing multi-use trails will be maintained for pedestrian use. Existing bicycle lanes on Goldenwest Street, Garfield Avenue, and Edwards Street will not be impacted by the proposed street vacation.

CE Policy 6.1.9 *“Develop an equestrian trail network and support facilities that provide a linkage with regional facilities and can be combined with hiking trails.”*

The proposed vacation of public streets will not impact the existing equestrian trail network. The existing multi-purpose trails will be maintained for public use. The trails connect to a larger trail system which extends north to Huntington Central Park and will ultimately extend south to the coast with the development of the Harriet Weider Regional Park. Support facilities such as horse stables and parking are located outside of the quartersection within the Huntington Beach Equestrian Center north of Ellis Avenue.

CE Policy 6.1.10 *Implement appropriate traffic devices and operational programs throughout the community to ensure that conflicts between pedestrians, bicycles, and vehicles are minimized and safety enhanced.*

The circulation system within the quartersection ensures that conflicts between pedestrians, bicycles, and vehicles are minimized by implementing state design guidelines and adhering to the Manual of Uniform Traffic Control Devices. Traffic devices implemented within the quartersection include stop signs, no parking signs, raised medians, left turn lanes, and pedestrian/equestrian trails separated from roadways. Furthermore, the quartersection is designed with visibility triangles at street intersections to provide unobstructed lines of sight for motorists maneuvering within the neighborhood.

E. PLANNING ITEMS

- E-1. CITY COUNCIL ACTIONS FROM PREVIOUS MEETING**
Herb Fauland, Principal Planner – reported on the items from the previous City Council meeting.
- E-2. CITY COUNCIL ITEMS FOR NEXT MEETING**
Herb Fauland, Principal Planner – reported on the items scheduled for the next City Council meeting.
- E-3. PLANNING COMMISSION ITEMS FOR NEXT MEETING**
Herb Fauland, Principal Planner – reported on the items scheduled for the next Planning Commission meeting.

F. PLANNING COMMISSION ITEMS

F-1. PLANNING COMMISSION REQUEST ITEMS – NONE

F-2. PLANNING COMMISSION COMMENTS

Commissioner Burnett – Provided get well wishes to Chair Dingwall who was out sick.

Commissioner Livengood – Thanked Jane James for her thoroughness on the Newland Street Residential Project and also suggested canceling the Study Session on August 22, 2006.

Vice-Chairperson Scandura – Thanked staff for the Planning Commission Workshop and also thanked the other Commissioners for their support as he ran tonight's meeting.

Chairperson Dingwall – Absent.

Commissioner Ray – Announced his pending resignation from the Planning Commission, however, he is unsure when his last meeting will be.

Commissioner Horgan – Asked staff about a recent lawsuit filed against the City regarding the mobile home ordinance.

Commissioner Dwyer – Thanked staff for the workshop adding that it was very informative. He also welcomed the pending Planning Commission appointee, Mr. Blair Farley.

ADJOURNMENT:

Adjourned at 10:40 p.m. to the next regularly scheduled meeting of Tuesday, August 22, 2006.

APPROVED BY:

Scott Hess, Secretary

John Scandura, Vice-Chair